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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,363	12/17/2003	Leonard R. Baublitz	0275Y-000760	8557

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EXAMINER
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MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/738,363	BAUBLITZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jila M. Mohandesi	3728	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 25, 31-34 and 37 is/are rejected.
- 7) ☒ Claim(s) 15-24, 26-30, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12-17-03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 16-20 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 16, the phrase "said second blister portion ..... extending into said second extension portion" is inaccurate and indefinite. It appears that the separator includes a second hub which extends into said second extension portion.

In claim 19, first hub, second hub is vague and indefinite. It is not clear if the first hub and second hub are the hubs on the separator or on the first and second extension portions.

Claim 36 recites the limitation "said first hub and said second hub" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-5, 8, 11, 13 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rackley (5,078,266). Rackley '266 discloses a display package comprising: a first blister portion; a second blister portion coupled to said first blister portion and defining an inner space there between; a first disk shaped article disposed in said inner space; and an insert card (41a & 45) disposed in said inner space; said insert card comprising: a first portion positioned at least partially on a first of said first disk shaped article; a second portion positioned at least partially on a second side of said first disk shaped article; and a connecting portion extending between said first and second portion and positioned at a periphery of said first disk shaped article. See Figures 4, 5 and 7 embodiments.

With respect to claim 1 and the separator note separator (37) in Figure 5 embodiments.

4. Claims 1, 6-7, 11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by German, III (6,868,966). German '966 discloses a display package comprising: a first blister portion having a first extension portion; a second blister portion coupled (joined) to said first blister portion and defining an inner space there between having a second extension portion; a first disk shaped article disposed in said first extension portion; a second disk shaped article disposed in said second extension portion; and a separator (reinforcement ribs 46 and 48) disposed in said inner space between said first and second articles. See Figures 1-4 embodiments. Said first and second extension portion being laterally offset to one another to enable simultaneous viewing of said first and second disk shaped article through said first blister portion

With respect to claim 1 and the separator note separator (37) in Figure 5 embodiments.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Pozzoli (5,743,390). Pozzoli '390 discloses a display package comprising: a first blister (10) portion having a first extension portion; a second blister portion (40) coupled to said first blister portion and defining an inner space there between having a second extension portion laterally offset from said first extension portion; a first disk shaped article disposed in said first extension portion; a second disk shaped article disposed in said second extension portion whereby said laterally offset extension portions provide simultaneous viewing of respective first and second disk shaped articles through one of said first and second blister portions. See Figure 5 embodiment.

6. Claims 1-5, 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (5,477,960). Chen '960 discloses a display package comprising: a first blister (20) portion having a first extension portion; a second blister portion (30) coupled to said first blister portion and defining an inner space there between having a second extension portion; a first disk shaped article disposed in said first extension portion; a second disk shaped article disposed in said second extension portion; and a separator (50) disposed in said inner space between said first and second articles. See Figures 1 and 2 embodiments.

7. Claims 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Moser (5,950,821). Moser '821 discloses a display package comprising: a first blister (11) portion having a first extension portion; a second

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blister portion (12) coupled to said first blister portion and defining an inner space there between having a second extension portion; a first disk shaped article disposed in said first extension portion; a second disk shaped article disposed in said second extension portion; and a first stopper (arcuate recess 28) formed in said first extension portion at an outer circumferential boundary thereof, said first stopper extending from said circumferential boundary into said inner space and cooperating with said first disk shaped article to preclude rotation thereof. See Figure 2 embodiment.

With respect to claim 32, note the second stopper (arcuate recess 29).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 10, 31-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackley '266 in view of Baumann (2,061,426). Rackley '266 as described above discloses all the limitations of the claims except for stopper to preclude rotation of the saw blades. Baumann'426 discloses a display package for saw blades with a stopper (semicircular ring segment 18) formed on the outer circumferential boundary of the extension portion and cooperating with the saw blade to preclude rotation thereof. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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Provide a stopper on the outer circumferential boundary of the extension portion of Rackley '266 as taught by Baumann'426 to preclude rotation of the saw blade thereof.

With respect to claims 10 and 32, and a second stopper, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second stopper to the second extension portion, since it has been held that mere duplication and rearranging of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8 and *In re Einstein*, 8 USPQ 167.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rackley '266 in view of Byrne et al. (6,626,290). Rackley '266 as described above discloses all the limitations of the claims except for the package comprising an anti-theft sensor disposed in said inner space. Byrne '290 discloses a display package where it is desirable to dispose an anti-theft sensor in the inner space to because it is not easily accessible by a consumer therefore providing better protection against theft. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an anti-theft sensor the inner space of Rackley '266 as taught by Byrne '290 to provide better protection against theft.

11. Claims 9-10, and 31-34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen '960 in view of Shindo et al. (6,837,370). Chen '960 as described above discloses all the limitations of the claims except for a first and second stopper formed in the extension portions. Shindo '370 discloses that it is

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desirable to provide stoppers on outer circumferential boundary of extension portions to maintain the disk in a given position therein. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide stoppers on the outer circumferential boundary of the extension portion of Chen '960 to better maintain the disk in a given position.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen '960 in view of Byrne et al. (6,626,290). Chen '960 as described above discloses all the limitations of the claims except for the package comprising an anti-theft sensor disposed in said inner space. Byrne '290 discloses a display package where it is desirable to dispose an anti-theft sensor in the inner space to because it is not easily accessible by a consumer therefore providing better protection against theft. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an anti-theft sensor the inner space of Chen '960 as taught by Byrne '290 to provide better protection against theft.

#### ***Allowable Subject Matter***

13. Claim 15-24, 26-30 and 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are display packages analogous to applicant's instant invention.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JILA M. MOHANDESI  
PRIMARY EXAMINER**



Jila M Mohandesi  
Primary Examiner  
Art Unit 3728

JMM  
June 20, 2005